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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,475	03/13/2001	Scott Faber	04704P005	3558

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EXAMINER

LASTRA, DANIEL

ART UNIT PAPER NUMBER

3622

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/808,475

Applicant(s)

FABER ET AL

Examiner

DANIEL LASTRA

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-14, 16-20, 22-29 and 31-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-14, 16-20, 22-29 and 31-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-5, 7-14, 16-20, 22-29 and 31-41 have been examined. Application 09/808,475 (APPARATUS AND METHOD FOR RECRUITING, COMMUNICATING WITH, AND PAYING PARTICIPANTS OF INTERACTIVE ADVERTISING) has a filing date 03/13/2001.

Response to Amendment

2. In response to Final Rejection filed 04/07/2005, the Applicant filed an RCE on 10/11/2005, which amended claims 1, 16, 31 and 41.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-5, 7-14, 16-20, 22-29 and 31-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Walker (US 6,216,111)

As per claims 1, 16 and 31 Walker teaches:

A method comprising:

receiving, from one or more users, one or more selections for a selected advertising link from one or more interactive advertising links (see column 2, lines 55-67; column 8, lines 34-42);

establishing a real-time communications link between the one or more users and an advertiser of the selected advertising link (see column 3, lines 50-55; column 8, lines 35-67).

compensating the one or more users based on various input provided to the advertiser via the *real time* communications link (see column 3, lines 15-55).

As per claims 2, 17 and 33 Walker teaches:

The method of claim 1, further comprising:

receiving a request from an advertiser to establish an interactive advertising link (see column 3, lines 30-55); and

placing a link for an interactive advertisement among the one or more interactive advertising links (see column 8, lines 29-42).

As per claims 3, 18 and 34 Walker teaches:

The method of claim 2, further comprising:

generating a record in an advertiser database, the record including advertiser information contained in the request, wherein the advertiser information includes one or

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more of a compensation price, real-time advertiser availability, specific type of the advertisement, languages spoken by the advertiser and additional compensation incentives (see figures 3a and 3b).

As per claims 4 and 19 Walker teaches:

The method of claim 1, wherein the compensating the one or more users further comprises:

billing the advertiser a billing amount for each interaction with the one or more users and transferring the billing amount to the one or more users (see column 4, lines 60-67).

As per claims 5 and 20 Walker teaches:

The method of claim 4, wherein the billing the advertiser further comprises:

measuring a duration of the interaction between the one or more users and the advertiser and calculating the billing amount for the advertiser based on the duration of the interaction and a time-based price paid by the advertiser (see column 8, lines 50-62).

As per claims 7 and 22 Walker teaches:

The method of claim 1, wherein each selection from a user includes one or more of a category of advertisers, an advertiser payment price, advertiser type and advertisement (see column 6, lines 65-67).

As per claims 8, 23 and 32 Walker teaches:

The method of claim 1, wherein

selections from the one or more users, the method further comprises:

receiving a request from a user for connection to an interactive advertisement system via a communications link (see column 8, lines 28-42);

establishing a connection between the user and the interactive advertisement system in order to provide the user with an interaction with a chosen advertiser, and providing the user with a list of multiple advertisement types available from the interactive advertisement system (see column 8, lines 32-55).

As per claims 9, 24 and 37 Walker teaches:

The method of claim 1, wherein prior to the receiving the one or more interactive advertising links include one or more interactive seminar links and following selection of a selected interactive seminar by the one or more users, the establishing the communications link further comprises:

establishing a real-time video communications link between the one or more users and an advertiser of the selected interactive seminar (see column 3, lines 50-55);

providing additional incentive-based links to the one or more users to provide additional feedback (see column 7, lines 1-67); and

enabling the one or more users to purchase one or more items advertised by the interactive seminar (see column 7, lines 1-67).

As per claims 10 and 25 Walker teaches:

The method of claim 1, wherein following the establishing the communications link, the method further comprises:

providing additional incentive-based links to the one or more users to provide additional feedback (see column 7, lines 1-67); and

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enabling the user to purchase one or more items advertised by the selected advertising link (see column 6, lines 25-40; column 7, lines 1-67).

As per claims 11 and 26 Walker teaches:

The method of claim 1, wherein the compensating the one or more users further comprises:

enabling a user to purchase an advertised product with limited availability, such that the user is compensated by having the ability to purchase the advertised product (see column 7, lines 1-67).

As per claims 12 and 27 Walker teaches:

The method of claim 11, further comprising:

charging the user a predetermined amount such that the user is compensated by having the ability to purchase the advertised product (see column 6, lines 25-40); and

transferring the predetermined amount to the advertiser (see column 6, lines 25-40; column 7, lines 55-60).

As per claims 13, 27, 35 and 38 Walker teaches:

The method of claim 11, further comprising:

using a telephone as the communications link between the user and the advertiser of the selected advertising link (see column 8, lines 27-42).

As per claim 36, Walker teaches:

The system of claim 31, wherein the communications link further comprises:

a wireless communications network interface to connect the user to the advertiser of the selected advertisement (see column 5, lines 24-28).

As per claim 39, Walker teaches:

The system of claim 31, further comprising:

a banner advertisement link procedure to generate an interactive advertisement link as a web page banner advertisement of an advertiser web site (see column 8, lines 35-42).

As per claim 41, Walker teaches:

The method of claim 1, wherein the one or more interactive advertisement links include one or more interactive polls, and wherein a user selecting a poll is compensated for providing a response to the poll (see column 6, lines 7-25).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14, 29 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (US 6,216,111).

As per claims 14 and 29 Walker teaches:

The method of claim 1, wherein providing the one or more interactive advertising links further comprises:

receiving, from an advertiser interface, a request to activate an interactive seminar included among the one or more interactive advertising links (see column 3, lines 30-55);

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activating the seminar, such that one or more users can select and participate in the interactive seminar (see column 8, lines 27-42);

Walker does not expressly teach receiving, from the advertise interface, a request to de-activate the interactive seminar once the seminar is closed; and de-activating the interactive seminar, such that additional users can no longer participate in the interactive seminar. However, Official Notice is taken that it is old and well known in the advertiser art to let people know when a telemarketer's seminar is no longer available. It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Walker would de-active a seminar session that is no longer available and would let users know that said seminar is already closed, so said users do not waste their time trying to access a seminar that no longer exists.

As per claim 40, Walker teaches:

The system of claim 31, but does not expressly teach further comprising: a banner advertisement link procedure to generate an interactive advertisement link as a web page banner advertisement of a search engine web site. However, Official Notice is taken that it is old and well known in the computer art to use online banners in an search engine web site to link users to other websites or offers. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Walker would use online banners, which would allow users to link to seminars via the Internet, so said users can earn rewards from attending said seminars.

Conclusion


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

Daniel Lastra
November 24, 2005


RETTA YEHDEGA
PRIMARY EXAMINER